



General Assembly

February Session, 2020

Raised Bill No. 5226

LCO No. 1647



Referred to Committee on ENERGY AND TECHNOLOGY

Introduced by:
(ET)

AN ACT CONCERNING ELECTRIC VEHICLE CHARGING STATIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2020*) (a) As used in this section:

2 (1) "Association" means any association of homeowners, community
3 association, condominium association, cooperative, common interest
4 associations or nongovernmental entity with covenants, bylaws and
5 administrative provisions with which a homeowner's compliance is
6 required. "Association" includes an association of unit owners, as
7 defined in section 47-68a of the general statutes, and a common interest
8 community, as defined in section 47-202 of the general statutes;

9 (2) "Electric vehicle charging station" means an electric component
10 assembly or cluster of component assemblies designed specifically to
11 charge batteries within electric vehicles by permitting the transfer of
12 electric energy to a battery or other storage device in the electric vehicle.
13 "Electric vehicle charging station" includes any associated metering
14 equipment; and

15 (3) "Reasonable restrictions" means a restriction that does not

16 significantly increase the cost of the station or significantly decrease its
17 efficiency or specified performance.

18 (b) Any covenant, restriction or condition contained within any deed,
19 contract, security instrument or other instrument affecting the transfer
20 or sale of any interest in a property, or any bylaw or other instrument
21 that governs the creation or operation of an association, that either
22 prohibits or unreasonably restricts the installation or use of an electric
23 vehicle charging station within an owner's unit or in a designated
24 parking space, including, but not limited to, a deeded parking space, a
25 parking space in a unit owner's exclusive use common element or a
26 parking space that is specifically designated for use by a particular unit
27 owner, or otherwise is in conflict with the provisions of this section, shall
28 be void and unenforceable.

29 (c) This section may not apply to bylaws that impose reasonable
30 restrictions on electric vehicle charging stations.

31 (d) An electric vehicle charging station shall meet all applicable
32 health and safety standards and requirements imposed by applicable
33 federal, state or municipal law.

34 (e) If an association requires a unit owner to submit an application for
35 approval to install an electric vehicle charging station, the association
36 shall process and approve the application in the same manner as an
37 application for approval of an architectural modification to the
38 property. The approval or denial of the application shall be in writing
39 and shall be issued not later than sixty days after the date of receipt of
40 the application. If an application is not denied in writing within such
41 sixty-day period, the application shall be deemed approved, unless the
42 association reasonably requests additional information within sixty
43 days from the date of receipt of the application.

44 (f) If a unit owner seeks to install an electric vehicle charging station,
45 the following provisions shall apply:

46 (1) The unit owner shall obtain approval from the association to

47 install the electric vehicle charging station and the association shall
48 approve the installation if the owner agrees in writing to do the
49 following: (A) Comply with the association's architectural standards for
50 the installation of the electric vehicle charging station; (B) engage a
51 licensed contractor to install the electric vehicle charging station; (C) if
52 the proposed electric vehicle charging station is located within a
53 common element, provide a certificate of insurance, within fourteen
54 days of approval, that names the association as a named additional
55 insured under the owner's insurance policy pursuant to subdivision (3)
56 of subsection (f) of this section; (D) pay for the costs associated with the
57 installation of the electric vehicle charging station; and (E) pay the
58 electricity usage costs associated with the electric vehicle charging
59 station.

60 (2) The unit owner, and each successive owner, of the electric vehicle
61 charging station shall be responsible for all of the following: (A) Costs
62 for damage to the electric vehicle charging station, common elements or
63 separate units resulting from the installation, maintenance, repair,
64 removal or replacement of the electric vehicle charging station; (B) costs
65 for the maintenance, repair and replacement of the electric vehicle
66 charging station until it has been removed; (C) costs for the restoration
67 of the electric vehicle charging station after it is removed; (D) costs of
68 electricity associated with the electric vehicle charging station; and (E)
69 disclosing to prospective buyers (i) the existence of the electric vehicle
70 charging station, and (ii) the associated responsibilities of the unit owner
71 under this section.

72 (3) The unit owner of the electric vehicle charging station, whether
73 located within a separate unit, within the common element or exclusive
74 use common element, shall, at all times, maintain a liability coverage
75 policy. The owner shall provide the association with the corresponding
76 certificate of insurance not later than fourteen days after approval of the
77 application. The owner, and each successor owner, shall provide the
78 association with the certificate of insurance annually thereafter.

79 (4) A unit owner shall not be required to maintain a liability coverage

80 policy for an existing national electrical manufacturers association
81 standard alternating current power plug.

82 (g) Except as provided in subsection (h) of this section, installation of
83 an electric vehicle charging station for the exclusive use of a unit owner
84 in a common element, that is not an exclusive use common element,
85 shall be authorized by the association only if installation in the unit
86 owner's designated parking space is impossible or unreasonably
87 expensive. In such cases, the association shall enter into a license
88 agreement with the owner for the use of the space in a common area and
89 the owner shall comply with all requirements described in subsection
90 (f) of this section.

91 (h) An association may install an electric vehicle charging station in
92 the common element for the use of all members of the association. For
93 any such electric vehicle charging station, the association shall develop
94 appropriate terms of use for the electric vehicle charging station.

95 (i) An association may create a new parking space where one did not
96 previously exist to facilitate the installation of an electric vehicle
97 charging station.

98 (j) An association may require the unit owner to have the electric
99 vehicle charging station removed prior to the unit owner's sale of the
100 property unless the prospective purchaser of the property agrees to take
101 ownership of the electric vehicle charging station.

102 (k) An association that knowingly violates this section shall pay a
103 civil penalty to the applicant or other party of not more than one
104 thousand dollars.

105 (l) In any action by a unit owner seeking to enforce compliance with
106 this section, the prevailing unit owner shall be awarded reasonable
107 attorney's fees.

108 Sec. 2. (NEW) (*Effective October 1, 2020*) (a) As used in this section:

109 (1) "Dedicated parking space" means a parking space located within

110 a lessee's separate interest or a parking spot that is in a common area,
111 but subject to exclusive use rights of an individual lessee, including, but
112 not limited to, a garage space, carport or parking space that is
113 specifically designated for use by a particular lessee;

114 (2) "Dwelling unit" has the same meaning as provided in section 47a-
115 1 of the general statutes;

116 (3) "Electric vehicle charging station" means an electric component
117 assembly or cluster of component assemblies designed specifically to
118 charge batteries within electric vehicles by permitting the transfer of
119 electric energy to a battery or other storage device in an electric vehicle.
120 "Electric vehicle charging station" includes any associated metering
121 equipment;

122 (4) "Landlord" has the same meaning as provided in section 47a-1 of
123 the general statutes;

124 (5) "Rent" has the same meaning as provided in section 47a-1 of the
125 general statutes;

126 (6) "Rental agreement" has the same meaning as provided in section
127 47a-1 of the general statutes; and

128 (7) "Tenant" has the same meaning as provided in section 47a-1 of the
129 general statutes.

130 (b) Notwithstanding any provision in the rental agreement to the
131 contrary, for any rental agreement executed, extended or renewed on
132 and after October 1, 2020, a landlord of a dwelling unit shall approve a
133 tenant's written request to install an electric vehicle charging station at
134 a dedicated parking space for the tenant that meets the requirements of
135 this section and section 1 of this act and complies with the landlord's
136 procedural approval process for modification to the property.

137 (c) This section does not apply to residential rental properties where:

138 (1) Electric vehicle charging stations already exist for a tenant in a

139 ratio that is equal to or greater than ten per cent of the designated
140 parking spaces;

141 (2) Parking is not provided as part of the rental agreement; or

142 (3) There are less than five parking spaces.

143 (d) A landlord may not be obligated to provide an additional parking
144 space to a tenant in order to accommodate an electric vehicle charging
145 station.

146 (e) If the electric vehicle charging station has the effect of providing
147 the tenant with a reserved parking space, the landlord may charge a
148 monthly rental amount for that parking space.

149 (f) An electric vehicle charging station, and all modifications and
150 improvements to the property, shall comply with federal, state and
151 municipal law, and all applicable zoning requirements, land use
152 requirements, and covenants, conditions and restrictions.

153 (g) A tenant's written request to modify the rental property in order
154 to install an electric vehicle charging station shall indicate his or her
155 consent to enter into a written agreement that includes, but is not limited
156 to, the following:

157 (1) Compliance with the landlord's requirements for the installation,
158 use, maintenance and removal of the electric vehicle charging station
159 and its infrastructure;

160 (2) Compliance with the landlord's requirements for the tenant to
161 provide a complete financial analysis and scope of work regarding the
162 installation of the electric vehicle charging station and its infrastructure;

163 (3) Compliance with the landlord's requirements to pay the landlord
164 any costs associated with the landlord's installation of the electric
165 vehicle charging station and its infrastructure prior to any modification
166 or improvement to the rental property. The costs associated with
167 modifications and improvements include, but are not limited to, the cost

168 of permits, supervision, construction and, solely if required by the
169 contractor and consistent with its past performance of work for the
170 landlord, performance bonds;

171 (4) Compliance with the landlord's requirements to pay, as part of the
172 tenant's rent, any costs associated with the electrical usage of the electric
173 vehicle charging station, and costs for damage, maintenance, repair,
174 removal and replacement of the electric vehicle charging station,
175 including such modifications or improvements made to the rental
176 property associated with the electric vehicle charging station; and

177 (5) Compliance with the landlord's requirements to maintain a
178 general liability insurance policy and name the landlord as a named
179 additional insured under the policy commencing with the date of
180 approval for construction until the tenant forfeits possession of the
181 dwelling unit to the landlord.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2020</i>	New section
Sec. 2	<i>October 1, 2020</i>	New section

Statement of Purpose:

To (1) make void and unenforceable any covenant, restriction or condition in any deed, contract, security instrument or other instrument affecting the transfer or sale of property which prohibits or unreasonably restricts the installation or use of an electric vehicle charging station, (2) establish conditions to which a unit owner must agree in order to obtain approval for installation of an electric vehicle charging station, and (3) permit tenants to request installation of electric vehicle charging stations, subject to compliance with a landlord's requirements.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]